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REMARKS

At the outset, Applicant wishes to thank Examiner Patel for the courtesies extended to Applicant's representatives during the March 31, 2005 telephone interview. The substance of the interview is incorporated in the following remarks which also incorporates remarks from the Preliminary Amendment that was filed with the Request for Continued Examination, in response to the Final Office Action dated September 7, 2004.

Summary of the Office Action

In the Office Action, claim 5 stands rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification.

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,870,356 to *Ikeda et al.* (hereinafter "*Ikeda*").

Summary of the Response to the Office Action

Applicant respectfully submits that the specification is enabled and claim 5 is not indefinite. However, claims 5 and 6 have been canceled without prejudice or disclaimer.

Applicant respectfully submits that no new matter has been introduced by this Supplementary Amendment.

Independent claims 1 and 2 have been amended pursuant to discussions with Examiner Patel. The features of dependent claim 6 have been incorporated into independent claims 1 and

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2. Applicant respectfully submits that all the claims are in form for allowance. Accordingly, claims 1-4 are pending and are submitted for further consideration.

The Rejection of Claim 5 under 35 U.S.C. § 112, first and second paragraph

The rejection of claim 5 under 35 U.S.C. § 112, first and second paragraph, is moot in light of the cancellation of claim 5.

All Subject Matter Complies With 35 U.S.C. § 102(b)

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Ikeda*. This rejection is respectfully traversed for at least the following reasons. Applicant respectfully submits that *Ikeda* does not disclose at least “a movement controller adapted to control said thread moving unit to start movement of said thread while controlling said lens moving unit to perform track-on control so that the lens of said pick-up head is located on a prescribed track, and thereafter when it is detected that said thread has moved a prescribed amount on the basis of a tracking servo signal potential, starting the rotation of said holder by said lens moving unit,” and “a movement controller adapted to control said thread moving unit to start movement of said thread, and thereafter, when it is detected that said lens has deviated from said prescribed track by a prescribed amount or more owing to movement of said thread, starting the rotation of said holder by said lens moving unit,” features as recited in newly independent claims 1 and 2, respectively.

In the present invention, the beginning of movement of the thread occurs after the input of the driving kick signal to the thread is detected. At this time, the tracking servo is still active in the track-on state, and after the thread moves a predetermined amount, the tracking servo signal applied to the actuator increases gradually. See page 6, line 24 through page 8, line 2 and

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page 13, line 23 through page 14, line 14 of the specification. Even when dimensions or characteristics of the elements that constitute the thread varies, the actuator is operated during actual movement of the thread. See page 13, lines 15-22 of the specification.

This aspect of the present invention occurs when the actuator receives an increase tracking servo signal after the thread has traveled a prescribed distance. See T2 in Fig. 5 of the present invention. Any irregularities in frictional resistance of the thread are overcome, such that the actuator may operate without being affected by the frictional resistance irregularities of the thread, and thus, the device is designed to minimize failure of the track jump operation. See at least page 7, line 13 through page 8, line 2 of the specification.

The Office Action states that all the claimed features are present in *Ikeda*, however, the "starting the rotation of said holder by said lens moving unit," feature which occurs during the movement of the thread is not present in *Ikeda*. *Ikeda* shows an optical storage apparatus which detects a lens position signal without using a lens position sensor. Without a lens position sensor, the optical storage apparatus can be made thinner. *Ikeda* teaches, among other things, that after a seek error is detected, the seek error processing unit turns on and activates either a high speed or low speed seek. See Abstract and col. 1, line 57 through col. 2, line 15 of *Ikeda*. In the high speed seek mode, the carriage is driven by the speed control of the VCM. In the low speed seek mode, the lens actuator is driven by the speed control of the lens actuator. In both instances, a lens lock control is necessary to operate both modes. The lens lock control positions the lens actuator to always keep the optical axial deviation of the objective lens to zero. See col. 2, lines 8-64 of *Ikeda*.

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The *Ikeda* reference teaches away from the present invention by requiring that the lens actuator be locked in position for both high speed and low speed seek control modes. In contrast, the present invention "when it is detected that said lens has deviated from said prescribed track by a prescribed amount or more owing to movement of said thread, starting the rotation of said holder by said lens moving unit," is commenced. Thus, *Ikeda* teaches that the lens actuator must be locked or fixed in position, in sharp contrast to the present invention. See also Fig. 14 and col. 21, line 57 through col. 22, line 43 of *Ikeda*. As such, *Ikeda* cannot anticipate the present invention. Accordingly, Applicant respectfully requests that all rejections under 35 U.S.C. § 102(b) should be withdrawn.

As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. Of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Ikeda* does not teach or suggest each feature of independent claims 1 and 2.

In view of the above arguments, Applicant respectfully requests that the rejection of independent claims 1 and 2 under 35 U.S.C. § 102(b) be withdrawn. Additionally, claims 3-4, which depend from newly amended independent claims 1 and 2, are allowable at least because their base claims are allowable, as well as for the additional features recited therein.

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CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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